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## affirmation

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Christine Craft and her lawyer enter the federal court building in Kansas City to await the verdict of her sex discrimination suit against KMBC-TV.

## Sex Discrimination in the media

by Thea Herman

The sex discrimination case of Christine Craft, a Kansas City anchorwoman received considerable publicity. The case is a fascinating one since it involved sex discrimination in probably the most visible area in our society, that is, television.

KMBC, a television station in Kansas City, found that the ratings for its weekday newscasts were slipping. Research indicated that this was because the station had a solo anchor; and that anchor was a man. Viewers appeared to prefer the co-anchors at the competing television stations, and viewers also felt that the male anchor at KMBC lacked 'warmth'. Based on this research, KMBC decided to hire a female co-anchor in order to 'soften' the image of its news presentation.

KMBC management reviewed numerous video tapes of newswomen throughout the country, and eventually decided to offer the job to Christine Craft, who had been a reporter on a television station in Santa Barbara, California.

Soon after Ms. Craft began her employment, management became concerned that her makeup and clothing were inappropriate. On numerous occasions she was told she should dress more conservatively and use makeup properly. The station got a clothing consultant for Ms. Craft and eventually instituted a clothing calendar for her.

The station hired a consulting firm to learn about their perceptions of television viewers towards Ms. Craft. The consulting firm conducted focus group discussions and telephone surveys. The result of their research was that viewers in general had a negative reaction to Ms. Craft, in particular to her appearance, makeup and presentation. In the survey, Ms. Craft was compared to the female co-anchors of the two competitor stations and was found to be the least popular of the three.

After receiving the results of the consultant's research, KMBC reassigned Ms. Craft to the job of general assignment reporter. Upset with this reassignment, Ms. Craft resigned and began work as a co-anchor in Santa Barbara, California.

Ms. Craft then initiated court proceedings against KMBC. She claimed that she had been discriminated against on the basis of sex in contravention of Title VII of the *Civil Rights Act*; she claimed that she was paid less than a male in violation of the *Equal Pay Act*; and she claimed that her employer had

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## Successes in the Unit for the Handicapped

by Barbara Justason

Since its inception in June 1982, the Unit for the Handicapped has successfully resolved 70 out of 100 cases on the grounds of handicap. Notable among them is a case involving a female complainant who played hockey for one of the community colleges during the academic year 1982 (1983). On a trip to Montreal in October 1982 the complainant had a number of epileptic seizures. Following this experience the complainant was told by the dean that she would have to be assessed by a neurologist, who would determine whether she could play hockey or not. The doctor stated that she could play hockey.

In order to return to the team the complainant was required to sign a waiver of any legal recourse against the respondent for personal injury or

death. No other team member had to sign such a waiver. Additionally, she had to sign a 'personal services contract', which included such stipulations as always keeping in mind her seizure thresholds; maintaining a proper diet; always carrying sufficient funds to take a taxi home, and, in order to ensure continuance of positive team morale, always paying the extra funds necessary for private accommodation on overnight excursions with the team. The complainant also had to agree to quit the team should she experience further seizures.

As a means of resolving the complaint to the satisfaction of all parties the respondent agreed to reimburse the complainant \$30.00 to cover her cost for a private room; revise the *Athlete Handbook* to

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The ceremonial unveiling in the Legislative Building of the commemorative Human Rights Scroll on December 5, 1983 in recognition of the 35th anniversary of the Universal Declaration of Human Rights. Those officiating were, from left to right, Premier William G. Davis, Canon Borden Purcell, chairman of the Ontario Human Rights Commission and the Honourable Russell H. Ramsay, Minister of Labour.



### Sex Discrimination in the media *continued from page 1*

made intentional misrepresentations to her in order to induce her to leave her prior employment and accept the job at KMBC.

At the first court level, Ms. Craft had a jury trial. The jury found in her favour on the issues of sex discrimination and misrepresentation, and ordered payment of \$375,000.00 in actual damages and \$125,000.00 in punitive damages. The jury dismissed her claim under the *Equal Pay Act*.

The television station appealed the jury's decision, and Ms. Craft cross-appealed on the issue of pay discrimination. The appeal case was heard by a U.S. district court in Missouri and the decision was issued on October 31, 1983. The court found that there had been no sex discrimination in contravention of the *Civil Rights Act* and no violation of the *Equal Pay Act*, and ordered a new trial with respect to her allegations of fraudulent misrepresentations.

The judge found that Ms. Craft had not been discriminated against because of sex. She was removed because research indicated that viewers had negative attitudes towards her, and KMBC was entitled to rely on this research and remove her as anchorwoman. The court also decided that the measures taken to improve her appearance were necessary and appropriate given her 'individual shortcomings'. The court found that Ms. Craft had a 'below-average aptitude in matters of clothing and makeup.'

The decision of the court is a fascinating one if one reads between the lines. What the court did not consider was the possibility that the

viewers themselves applied different criteria to anchorwomen from those that they applied to anchormen. It is significant that Ms. Craft was originally hired because viewers thought they would like an anchorwoman, who would 'soften' the effect of a male anchor. The research findings indicated that Ms. Craft compared unfavourably to the two other anchorwomen in Kansas City. However, there is no indication of her being compared to the male anchors.

What emerges is the fact that it is the viewers themselves who are discriminating. While the 'person on the street' generally has no difficulty accepting the theoretical proposition that there should be no sex discrimination in employment, it would appear that very different standards are applied to the media. Viewers want to see attractive anchorwomen. It is fair to say that viewers are not nearly as critical about the appearance of anchormen. While courts have long ago decided that customer preference is not an excuse for discrimination, it would appear that such is not the case when dealing with the media.

It can certainly be argued that television, as a visual medium, necessitates job requirements that include a presentable personal appearance. Nonetheless, it is also true that television is one of the primary forces in our society for the communication of role models and values. As such, it might be one of the most important areas in which to assure that men and women are treated and perceived equally and on the basis of merit.

*Thea Herman is legal counsel to the Ontario Human Rights Commission*

## Aspects of the New Code

### Second of two analyses

(continued from the September 1983 issue)

by Thea Herman

#### Procedural changes

The Code reflects the concern of both the Ontario legislature and the commission that there be a fair and expeditious mechanism for dealing with complaints that should not be proceeded with even though they fall within the jurisdiction of the Code. As a result, the commission may refuse to deal with a complaint if the subject matter is more than six months old or if the commission feels it is trivial, frivolous, vexatious or made in bad faith or if there is a more appropriate proceeding for dealing with the complaint. In such cases, however, the complainant is entitled to request the commission to reconsider its decision.

A new procedure of reconsideration now ensures that the principles of natural justice are applied in instances where a complaint is dismissed by the commission. When the commission decides not to request the appointment of a board of inquiry, it must provide each party to the complaint with the reasons for its decision, and the

complainant may apply to the commission for reconsideration of its decision. The respondent is given a copy of the complainant's application for reconsideration and is also given a chance to respond.

There had been considerable concern expressed about the delays involved once a board of inquiry is appointed. To respond to this concern, two statutory time limits have been established to expedite the process. The hearing must convene within 30 days of its appointment by the minister and the board must render its decision within 30 days of the conclusion of the hearing.

In addition to the procedural safeguards provided by the Code, the commission's administrative procedures have been developed so as to ensure fairness to all parties involved.

*Thea Herman is legal counsel to the Ontario Human Rights Commission.*

## Name-calling on the job no joking matter

by Jill Armstrong

**A police constable's allegations that he was subjected to racial name-calling by his fellow police officers have been upheld by a board of inquiry appointed under the Human Rights Code. Mr. Harjit Ahluwalia's additional allegations that he was refused reclassification and finally dismissed by the Metropolitan Toronto Board of Commissioners of Police because of his race, colour, nationality, ancestry and place of origin were dismissed by the inquiry.**

Testimony at the hearing revealed that the pervasive name-calling between constables was an accepted norm of conduct. 'It is clear that the sergeants knew of it, and while they did not indulge in name-calling or approve of it being used in a derogatory context, they did nothing to stop it,' the board chairman stated. The board pointed out that it is not enough simply to take refuge in a paper policy of racial tolerance; there must be a reasonable monitoring of such a policy, with discipline procedures undertaken for known violations.

The board was persuaded by the evidence of Dr. Granville A. DaCosta, a psychiatrist with expertise in the effects of racism on the adaptation of immigrant groups to Canadian society.

Dr. DaCosta's view is that, given the sociological perceptions of names such as 'Paki' and 'Nigger', name-calling is necessarily injurious, unless the parties tacitly agree to use the names in a relationship based upon equality and mutual respect. No such tacit agreement existed between Mr. Ahluwalia and other officers.

During his testimony, Dr. DaCosta described name-calling as a process through which its victim is assigned a lower status in an inferior-superior type of relationship. Where a working atmosphere of name-calling is socially reinforced by others, its harmful impact on the victim's self-esteem

and equal participation in the work group is strengthened.

The board chairman stated that name-calling can never be characterized as casual interplay or shop-talk because of its harmful effects on its victims.

While not all name-callers consciously intend to hurt their victims, name-calling may represent an antagonistic behaviour that is in the guise of fraternal, joking behaviour. The derogatory label controls the status of the person named, by evoking the myths, negative stereotypes and value judgements that are inherent in the label.

The board of inquiry found on the evidence that the complainant was not reclassified and was eventually dismissed because of unreliable and incompetent work performance. The chairman stated, 'Repugnant as the name-calling incidents are, they do not change the basic nature of the complainant's problems in this hearing, which were his own shortcomings as a probationary police officer.' In addition, although the name-calling constituted racial harassment, this was not a key factor in Mr. Ahluwalia's not performing his job up to the required standard. Accordingly, these allegations were dismissed.

With respect to the finding of racial name-calling amongst police officers, the inquiry chairman ordered the respondent to do whatever is reasonably necessary to eliminate it. As one means of achieving this objective, the respondent was ordered to establish an *ad hoc* race relations sensitization program, to be designed, conducted and delivered in conjunction with the Ontario Human Rights Commission.

*Jill Armstrong is manager of Program and Design for the Ontario Human Rights Commission*

## A fine line of distinction

The complainant and his common-law spouse applied for an apartment and explained to the rental consultant that their combined incomes from social services were enough to cover the rent. He told the consultant that they were looking for new accommodation simply because their former landlord had decided to use their apartment for himself. After consulting with the owners of the building the rental consultant informed the complainant that he did not qualify for the apartment because he was unemployed. The lawyer representing the respondent argued that although the line between being unemployed and being on public assistance is a fine one, the complainant was really refused accommodation because he was unemployed, which is not contrary to the Code.

In view of the difficulty in determining the merits of this 'fine line' argument the respondent agreed

to pay the complainant \$400 to cover moving expenses and general damages. They also agreed to send the complainant a letter of apology; to provide a letter of assurance to the commission; to post Code cards in their office areas and to provide the complainant with the next available apartment if he wanted it.

The human rights officer explained that even though section 10 wasn't cited in the complaint it very much applied to the situation at hand and the complaint could be amended at any time to cite it. He elaborated on the constructive discrimination principle clarifying that although the intent of the respondent might not have been to exclude people on public assistance, their policy to exclude unemployed people resulted in the automatic exclusion of people on public assistance. Those arguments were a strong incentive for settlement.





# HUMAN RIGHTS CODE

## PREAMBLE

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;

AND WHEREAS these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;

*William Harris*

PREMIER

*B. H. Ramsay*

MINISTER OF LABOUR

*Borden T. Russell*

CHAIRMAN, ONTARIO HUMAN RIGHTS COMMISSION

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.

2.—(1) Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status, handicap or the receipt of public assistance.

(2) Every person who occupies accommodation has a right to freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, handicap or the receipt of public assistance.

3. Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.

4.—(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

5. Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.

6.—(1) Every person who occupies accommodation has a right to freedom from harassment because of sex by the landlord or agent of the landlord or by an occupant of the same building.

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.

- (3) Every person has a right to be free from,
- (a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
  - (b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

7. Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.

8. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.





Ontario

# CODE DES DROITS DE LA PERSONNE

## PRÉAMBULE

CONSIDÉRANT que la reconnaissance de la dignité inhérente à tous les membres de la famille humaine et de leurs droits égaux et inaliénables constitue le fondement de la liberté, de la justice et de la paix dans le monde et est conforme à la Déclaration universelle des droits de l'homme proclamée par les Nations unies;

CONSIDÉRANT que l'Ontario a pour principe de reconnaître la dignité et la valeur de la personne et d'assurer à tous les mêmes droits et avantages, sans discrimination contraire à la loi, et qu'elle vise à créer un climat de compréhension et de respect mutuel de la dignité et de la valeur de la personne de façon que chacun s'estime partie intégrante de la collectivité et apte à contribuer pleinement à l'avancement et au bien-être de son milieu et de sa province;

ET CONSIDÉRANT que ces principes sont confirmés en Ontario par un certain nombre de lois et qu'il est opportun de réviser et d'accroître la protection des droits de la personne en Ontario;

PREMIER MINISTRE

MINISTRE DU TRAVAIL

PRÉSIDENT,  
COMMISSION ONTARIENNE DES DROITS DE LA PERSONNE

Pour ces motifs, Sa Majesté, de l'avis et du consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit:

1 La personne a droit à un traitement égal en matière de services, de biens ou d'installations, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'état matrimonial, l'état familial ou une infirmité. 1981, chap. 53, art. 1.

2 (1) La personne a droit à un traitement égal en matière d'occupation d'un logement, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'état matrimonial, l'état familial, l'état d'assisté social ou une infirmité.

(2) L'occupant d'un logement a le droit de vivre sans être harcelé par le propriétaire ou son représentant ou un occupant du même immeuble pour des raisons fondées sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'état matrimonial, l'état familial, l'état d'assisté social ou une infirmité. 1981, chap. 53, art. 2.

3 La personne pourvue de capacité juridique a le droit de passer un contrat à titre de partenaire égal, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'existence d'un casier judiciaire, l'état matrimonial ou une infirmité. 1981, chap. 53, art. 3.

4 (1) La personne a droit à un traitement égal en matière d'un emploi, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'existence d'un casier judiciaire, l'état matrimonial, l'état familial ou une infirmité.

(2) L'employé a le droit de travailler sans être harcelé au travail par son employeur ou son représentant ou un autre employé pour des raisons fondées sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'existence d'un casier judiciaire, l'état matrimonial, l'état familial ou une infirmité. 1981, chap. 53, art. 4.

5 La personne a droit à un traitement égal en matière d'adhésion à un syndicat ou à une association commerciale ou professionnelle ou en matière d'exercice d'une profession autonome, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'état matrimonial, l'état familial ou une infirmité. 1981, chap. 53, art. 5.

6 (1) L'occupant d'un logement a le droit de vivre sans être harcelé par le propriétaire ou son représentant ou un occupant du même immeuble pour des raisons fondées sur le sexe.

(2) L'employé a le droit de travailler sans être harcelé à son travail par son employeur ou son représentant ou un autre employé pour des raisons fondées sur le sexe.

(3) La personne a le droit d'être à l'abri:

- d'avances sexuelles provenant d'une personne apte à lui accorder ou à lui refuser un avantage ou une promotion lorsque la personne qui fait les avances sait ou devrait normalement savoir que celles-ci sont importunes;
- de représailles ou de menaces de représailles pour avoir refusé d'accéder à des avances sexuelles lorsque ces représailles ou menaces proviennent d'une personne apte à lui accorder ou à lui refuser un avantage ou une promotion. 1981, chap. 53, art. 6.

7 La personne a le droit de revendiquer et de faire respecter les droits qui lui sont reconnus par la présente loi et d'y participer, et de refuser d'enfreindre un droit reconnu à une autre personne par la présente loi sans représailles ou menaces de représailles. 1981, chap. 53, art. 7.

8 Il est interdit d'enfreindre un droit reconnu par la présente partie ou de causer, directement ou indirectement, l'infraction d'un tel droit. 1981, chap. 53, art. 8.



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## Editorials

### The issue of primacy

Our *Human Rights Code* was passed by the legislature in 1981 and became the law of the province in June 1982. One of the most important provisions of the Code is contained in section 46(2) near the end: 'Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part I (which details freedom from discrimination), this Act applies and prevails, unless the Act or regulation specifically provides that it is to apply notwithstanding this Act.'

However, this provision of the *Human Rights Code's* primacy does not come into effect until two years after its proclamation, that is to say, in June of this year. Thus, by June, the Ontario legislature will have to exempt, by special Act, those

instances where it wishes to maintain certain provisions that otherwise would be prohibited by the *Human Rights Code*. An example might be the restrictions on liquor consumption according to age.

But the most important aspect of the Code will not lie in the exceptions that the legislature will enact, but rather in its primacy. It establishes, once and for all, that the principles of the *Human Rights Code* are the basic law of the province. Other provincial laws may not depart from the provisions of the Code except under special circumstances expressly legislated for such purpose. Here, perhaps more than anywhere else, lies the great advance that the *Human Rights Code* has made.

ethnic or religious differences. Death levelled all without distinction. Did this truth have a subliminal impact on the viewer? We would like to think so.



Comptons Photo Service

### Fall-out

There is no question that the celebrated TV show 'The Day After' significantly raised the consciousness of its viewers about nuclear war. Seventy-five million people were exposed to the film, a phenomenal number. Beyond that, opinions were divided between those who thought that rational considerations took second place behind the emotional impact, and who therefore pronounced the show to be shallow, and others who thought the opposite; for questions of life and death, they say, are, in the end, a matter in which the heart must decide.

From our perspective the movie did, however, produce an unlooked-for fall-out: in the final, awesome catastrophe there were no racial,

an article by Catherine Wilbraham, which appeared in *Affirmation* last year. It is entitled 'Anti-Semitism — again?' and was chosen by a multinational panel. Congratulations to the author, a member of our editorial board.

### Kudos

The National Education Association, based in Washington, D.C., will publish an international anthology of human relations. The volume, to appear in five languages, will include

analysis of legal implications and is fully comprehensible to the concerned lay person.

In addition to examining the new *Human Rights Code's* antecedents, the author provides detailed information on how the various human rights boards of inquiry function, and investigates the appeal process in detail.

*Human Rights in Ontario* also assesses the impact of the law in every Canadian jurisdiction, the United Kingdom and the United States.

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## Chairman's corner



Tim Merrick

**Although each day brings with it a reminder of all that remains to be done in the field of human rights, I cannot help but enter my third year of tenure as chairman of the commission with a sense of considerable achievement. Thanks to our extensive and successful public education programs there is an ever-increasing awareness of individual human rights and responsibilities throughout the province.**

During our recent trip to Northern Ontario, Commissioner Marie Marchand and I became familiar with those concerns and issues of discrimination that belong particularly to that part of our province. Our experiences there have made us even more aware of the direction in which our future efforts must lie.

We are grateful for all the time and energy spent by the many people with whom we met, and we hope that our visit will help to bring about not only a continuing, but a greater, response to our programs in the North.

Sexual harassment and discrimination on the ground of handicap are still the two fastest-growing areas of complaint since the proclamation of the new Code. Ten per cent of our case load in the first six months of last year was devoted to sexual harassment and 22 per cent to discrimination on the ground of handicap. During the entire previous year only 11 per cent of our case load dealt with sexual harassment and 15 per cent with discrimination on the ground of handicap. The rise in complaints of sexual harassment and discrimination because of handicap has been reflected in, and, perhaps, aided by, increased media awareness and coverage of these important grounds. We look forward to the media's continued co-operation with us in our efforts to nurture a province-wide climate of understanding and respect for the dignity and rights of each individual.

Our goal is well on the way to being realized, thanks to our diligent and hard-working staff, who have accomplished a great deal through public education. Last year the number of seminars increased by 50 per cent over the previous fiscal year.

In the December issue of *Affirmation* we paid tribute to the 35th anniversary of the Universal Declaration of Human Rights. Past anniversary celebrations of the Declaration have shown that many communities have a sincere concern for the development and support of individual freedoms. The celebration of the 35th anniversary evoked an even stronger commitment to the spirit of human rights.

Our 10,000 letters and commemorative scrolls mailed to major institutions and representative organizations throughout the province occasioned an overwhelming number of public proclamations of Human Rights Day and Human Rights Week by municipal leaders. They also stimulated the media into producing articles on, and interviews about, human rights issues, motivated industry and organizations to request assistance with human rights seminars, prompted special school programs and events throughout Human Rights Week and inspired sermons in religious institutions on international understanding, peace and universal social justice.

It is imperative, however, that we do not look upon these efforts as duties to be performed just once a year. We must consider them our constant responsibility to improve human rights; we must be ever vigilant in the struggle for freedom.

As I stated at the outset of my term as chairman, it has been, and still is, my intention to give the commission a much higher profile than before. My fellow commissioners and I have fulfilled, and welcomed, close to 400 speaking engagements throughout the province this past year. We have begun a media awareness program, through which we keep the media up-to-date with all the commission's activities. We have also kept in close contact with schools, unions, industry, religious institutions, community associations and government agencies, informing them of our new programs, explaining how they can improve their own human rights programs and policies, making available education aids such as films, tapes and slides and by providing them with speakers to address them on all aspects of human rights. The commissioners have been busier than ever with these activities, and the results have been beneficial to everyone.

It is therefore with regret that I acknowledge that Peter Cicchi, race relations commissioner, retired on February 18, 1984 after serving us with dedication and insight for the past six years. Dr. Harry Parrott, who has been with us for a relatively short time, resigned as commissioner in November 1983 in order to assume his new duties as chairman of the Ontario Science Centre. We will miss them — they have contributed greatly to the cause of human rights — and we wish them well in their future endeavours.

Throughout my career I have always been dedicated to the concepts of equality of opportunity and the fair treatment of each individual. I have experienced a similar dedication among all commissioners and staff. With our increased work load and increasing mandate of protection we must be ever more vigilant in our protection of human rights legislation and tireless in our efforts to educate the public.

We have accomplished much in the last two years, and I look forward to many more years of working in harmony with my fellow Ontarians.



## Success in the Unit for the Handicapped continued from page 1

include the appropriate sections of the *Human Rights Code*; hold a human rights seminar with coaches, assistant coaches and co-ordinator, to be conducted by an officer of the Ontario Human Rights Commission; and arrange a seminar with the Epilepsy Association to be conducted for staff and athletes. The complainant gave the respondent permission to use her case and name as an example for discussion at the seminars.

At the completion of this case, the respondent stated that he had learned a great deal through the commission's involvement.

Perceived handicap on the part of respondents often creates barriers to employment. One such case involved a complainant who applied for a position as constable with an Ontario police force. After successfully proceeding through all phases of the recruitment process, he was rejected on the basis of a previous knee operation. The respondent pointed out that when the force is in a position to choose between a candidate having a clear medical record and one having a potential for recurrence of a medical problem, the force is confident that it has the duty to choose the former.

The complainant had an operation in 1976, which involved the partial removal of cartilage from one of his knees. The complainant provided copies of the hospital report on the operation and his family physician's report indicating that the knee was not weak and could withstand the rigours of a police constable's duties. The complainant had never been examined by a physician during the force's recruitment process, and the only individual who had looked at his knee was an interviewing officer. Additionally, no x-rays had been taken of the knee. The complainant indicated that since 1976 he has maintained a rigorous physical regimen and is currently in excellent physical health.

The complainant agreed to have an independent assessment performed on the physical status of his knee by an orthopedic surgeon, who subsequently reported that the knee showed no evidence of deficit or instability. As a result of the commission's activities, the complainant has been accepted as a candidate for a constable with this police force.

This is the first of two instalments on the Unit for the Handicapped. *Barbara Justason is a human rights officer with the unit.*

## Commissioner Sam Ion: a profile

by Pat Marcus

'I was a foreigner. I didn't know the language or the customs. I've seen what it is to be a stranger in a strange land,' reminisces newspaper columnist and Ontario Human Rights Commissioner Sam Ion, who spent 10 of her 39 years in South America.

She has always been a firm believer in equality of opportunity, and since her appointment to the Ontario Human Rights Commission in the summer of 1982 she has quickly grasped both the letter and the spirit of our human rights legislation. 'Sam has added a fresh dimension to our work,' says one of her colleagues.

'I was born in Welland, Ontario, graduated from Grade 12 and married young,' Ms. Ion confides. 'After a childhood of being used to maids and cooks I fumblingly learned how to be a housewife.'

Sam took on the additional role of working mother, but found that her lack of qualifications and experience prevented her from doing the kind of work that interested her. Frustrated and bored she moved from job to job. She enrolled in evening courses, and so began a pursuit of knowledge that continues to this day.



The Toronto columnist tells how she got her start in the newspaper business.

'An editor read several of my freelance articles and gave me 60 seconds to come up with an exciting idea. Out of that 60 seconds came "Dear Sam", a column for working women.'

Before her appointment to the Ontario Human Rights Commission Ms. Ion customarily used its services in seeking help in human rights matters for her readers.

Although her column is described as a working women's advice column, she does receive and publish letters from men, quite a few of whom, she learned, are concerned about sexual harassment.

In 1980 she published *Dear Sam*, a collection of letters, advice and anecdotes selected from her column for their lasting and universal interest.

In addition to her professional responsibilities Sam has volunteered her services to several organizations including the Association for Early Childhood Education and the War Heritage Association. She has been TV producer-director and creator of 'Interview Hour', 'Sam Ion's Exercise Show', 'Out and About With Sam' and 'The Consumer Hour', all for Cable 8, Hamilton.

It goes without saying that Sam Ion is a firm believer in women's rights. But, also, she cannot tolerate discrimination of any kind.

'The Ontario school system can benefit from the teaching of human rights in the classroom,' says Ms. Ion, the mother of two. 'The Ontario Human Rights Commission is continuously preparing excellent education programs for schools. We hope the results will eliminate the destructive discrimination that is alive in society today.'

'Universal enlightenment will come slowly,' Ms. Ion adds, 'and education must start with young children; we don't want to drag bigots into the 21st century.'

*Pat Marcus was a graduating student of Centennial College's Organizational Communications Program, and worked with the commission for a period of six weeks.*

## A cooler summer

## The Race Relations Division's 'Experience '83'

The purpose of the Race Relations Division of the Ontario Human Rights Commission is to develop programs and policies whose goals are the reduction of racial tensions and the improvement of race relations throughout the province.

The Experience '83 Summer Youth Employment Program is one such

program and is a fine example of the work done by the division to address the problem of unemployment among young people, particularly young people who belong to a visible minority.

One hundred young people aged 15 to 24 from different ethnic, racial and cultural backgrounds gained valuable job experience. At the same time their presence and behaviour in the different workplaces greatly helped to improve race relations between employers and employees.

This was the third year in a row that the Race Relations Division, assisted by the Ministry of Labour, has run a summer employment program in the Metropolitan Toronto area. The young people who participated have greatly benefited from their three months of on-the-job training.

To qualify for this program the young people had to meet three requirements: They had to come from a low-income family; they had to belong to a visible minority group and they had to live in either the Jane-Finch area, Regent Park or Birchmount-Finch. All program participants reflected the social, ethnic and racial makeup of their communities.

The success of this unique program was so encouraging that the division is now running a Winter Experience '83-84, and hopes to increase participation for its Summer Experience '84.

## An important report

*Linking for Employment* is the title of a report recently issued by the Ontario Task Force on Employers and Disabled Persons (Jean Pigott, Chairperson). The Introduction clearly describes the circumstances that need change and adjustment:

'The subject of employer involvement in rehabilitation and the preparation of disabled persons for mainstream jobs is not new, but has received fresh attention in recent times. For many years, as governments expanded their programs for disabled persons, employers limited their participation in employment-related activities to financial support of, and an advisory role on, voluntary boards. While this indirect employer involvement has been valuable, particularly to the rehabilitation professional, it has unfortunately failed to translate into widespread creation of employment opportunities for disabled persons in competitive work settings.

'Recognizing this shortcoming, employer organizations, the voluntary sector and government agencies have, in the past decade, increasingly promoted more direct employer initiatives in the hiring of disabled persons. Numerous reports have focused on the positive experiences of employers who have hired disabled persons and on the barriers that have traditionally limited opportunities for these potentially valuable contributors.

'All of these efforts, though laudable, have fallen short in one respect. While calling for greater employer involvement, they fail to present a workable structure that would provide employer participation and leadership either in the preparation for employment or in the provision of opportunities to the diverse range of disabled persons. In this report we intend to address this particular deficiency through the development of a concept of organization directed towards meeting the employment needs of employers and disabled persons at the community level.'

Copies of the full report, with suggestions and bibliography, are available from the Ontario Government Bookstore, 880 Bay Street, Toronto M7A 1N8.

## We'd like your opinion

With this issue we complete four years of quarterly publication. We would like to hear your opinions and suggestions. Please mail the completed questionnaire to our editorial office or the nearest human rights office.

1. I find *Affirmation* to be...

2. I like particularly...

3. I do not like...

4. I would like more...

5. I would like less...

6. I miss...

7. When I get *Affirmation* (mark as many or as few as you wish)

- ☐ I read it from cover to cover;
- ☐ I read the front page;
- ☐ I read the profiles;
- ☐ I read the 'Chairman's corner';
- ☐ I read the Editorials;
- ☐ I read Board of Inquiry reports;
- ☐ I only glance at it, but rarely read anything.

8. Anything else you'd like to tell us?

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Thank you.